

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7596

JAMES WILLIAM BERRY, SR.,

Plaintiff - Appellant,

versus

TOBY F. SHY, Sheriff; JAMES H. BOOTEN,
Commissioner; RICK WELLMAN, Commissioner;
CHARLES SAMMONS, Commissioner; TIM JARRELL,
Correctional Officer,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Huntington. Robert J. Staker, Senior
District Judge. (CA-00-604-3)

Submitted: January 29, 2004

Decided: February 6, 2004

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James William Berry, Sr., Appellant Pro Se. Tanya Annette Hunt,
MACCORKLE, LAVENDER, CASEY & SWEENEY, PLLC, Charleston, West
Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

James William Berry, Sr., appeals from the district court's order denying relief in his action in which he asserted claims under 42 U.S.C. § 1983 (2000), and the Americans with Disabilities Act.* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Berry v. Shy, No. CA-00-604-3 (S.D.W. Va. Sept. 30, 2003). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

*In light of the disposition of the federal claims, the district court dismissed Berry's claim under the West Virginia Freedom of Information Act, without prejudice to his rights to file such claim in state court.